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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,397	04/20/2000	Richard R. Reisman	RRR-00-001US	4230

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ALEXANDRIA, VA 22314-2886

EXAMINER

NGUYEN, TANH Q

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/553,397

Applicant(s)

REISMAN, RICHARD R.

Examiner

Tanh Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8 and 14.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

## DETAILED ACTION

### *Continued Prosecution Application*

1. The request filed on 04/28/03 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/553,397 is acceptable and a CPA has been established. An action on the CPA follows.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-24, 26; 28-35, 37 are rejected under 35 U.S.C. 102(b) as being anticipated by **Young (USP 4,706,121)**.

4. As per claim 16, **Young** teaches a method (col. 7, line 33-col. 8, line 22) for operating a user station [90, FIG. 3], comprising:

a remote source [20, FIG. 1] supplying schedule information (col. 6, lines 20-22) and information identifying programs selected from the schedule information on the basis of the user selection (col. 7, lines 62-64), hence fetching a schedule from a remote schedule source;

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receiving a broadcast data stream [135, FIG. 3; col. 7, lines 66-68; col. 8, lines 15-19), the broadcast data stream including one or more desired data objects (selected programs) and other data objects (non-selected programs); and

turning on a VCR [150, FIG. 3] in accordance with the fetched schedule (col. 8, lines 12-13) for unattended recording of the selected programs (Abstract, lines 15-17), hence capturing and storing the one or more desired data objects from the received broadcast data stream in accordance with the fetched schedule.

5. As per claims 17-24, 26, Young teaches:

recording selected programs on a VCR (Abstract, lines 15-17), hence the one or more desired data objects being stored in temporary storage at the user station (video tape for storing the selected programs) – claim 17;

selected programs being recorded on a VCR (Abstract, lines 15-17), hence fetching the one or more desired data objects from the temporary storage when the videotape is played back on the VCR – claim 18;

a TV receiver [126, FIG. 3] at the user station, the TV receiver being capable of receiving the selected programs from the VCR and displaying the selected programs on the TV monitor, hence preparing the fetched one or more desired data objects for use at the user station – claim 19;

selecting a data source from a listing of a plurality of independently operated data sources (HBO, ESPN...) for supplying the selected program(s) (col. 4, lines 14-24; col. 10, line 11-col. 12, line 42), hence the one or more desired data objects being supplied

by a first one of a plurality of independently operated data sources and selecting the first one of the plurality of independently operated data sources from a listing of each of the plurality of independently operated data sources – claim 20;

an application programming interface [220, FIG. 5; 116, 118, FIG. 3] providing inputs to a CPU [110, FIG. 3] for supplying user selection (col. 7, lines 51-54; col. 9, line 46-col. 10, line 10), hence an application programming interface enabling a software application to select the first one of the plurality of independently operated data sources – claim 21;

the broadcast data stream being broadcasted by a data source from a plurality of independently operated data sources including HBO, ESPN... (col. 4, lines 14-24) to the subscribers of such data sources, hence the data stream being multicast – claim 22;

tuning the user station to receive the broadcast data stream (col. 4, lines 48-52; Abstract, lines 10-17) – claim 23;

the broadcast data stream being broadcasted by a data source from a plurality of independently operated data sources including HBO, ESPN... (col. 4, lines 14-24) to the subscribers of such data sources, hence the one or more desired data objects comprising data objects to which a user at the user station is entitled – claim 24;

the user at the user station selecting the one or more desired data objects to be captured and stored (col. 7, lines 51-54) – claim 26;

6. As per claims 28-35, 37, Young teaches a method for operating a user station to capture and store one or more desired data objects from a received data stream in

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accordance with a fetched schedule in claims 16-24 and 26, hence teaches a user station for such a method. Young further teaches the logic for receiving the broadcast data stream identifying the desired data objects (col. 12, lines 13-24).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 25, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Young** in view of **Logan et al. (USP 5,371,551)**.

Young teaches the claimed invention except for the method being performed a plurality of consecutive times, wherein during each time the method is performed, a user at the user station can access desired data objects that have been previously been captured and stored during a prior time the method is performed; or except for the user station enabling a user to access the captured and stored desired data objects while the user station receives, captures and stores additional desired data objects.

In essence, Young's VCR does not allow for receiving, capturing and recording additional desired data objects while enabling the user to play back desired data objects that have been previously been captured and stored. Young, however, teaches

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recording of selected programs with a recording device that is other than a VCR (col. 3, lines 53-56).

**Logan et al.** (Logan) teaches a recording device [5, FIG. 1] that allows for additional desired data objects to be received, captured and stored while enabling the user to play back desired data objects that have been previously been captured and stored (Abstract, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Logan's recording device into Young's method since Young teaches the use of a recording device that is other than a VCR and since the incorporation of Logan's device would allow Young's method to be performed a plurality of consecutive times, wherein during each time the method is performed, a user at the user station can access desired data objects that have been previously been captured and stored during a prior time the method is performed. The combination would, likewise, allow the user station to enable the user to access the captured and stored desired data objects while the user station receives, captures and stores additional desired data objects.

9. Claims 27, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Young** in view of **Hidari et al. (USP 5,774,664)**.

Young teaches the claimed invention except for the broadcast data stream being broadcasted over the Internet.

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**Hidari et al.** (Hidari) teaches a broadcast data stream (video programs) being transmitted to computers at user sites over any transmission means including broadcast, cable, satellite, or Internet (col. 5, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Internet as the transmission means, as is taught by Hidari, for the purpose of delivering Young's broadcast data stream to Hidari's user computers at user sites, or as an additional channel for reaching a larger customer base.

10. Claims 27, 38 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over **Hidari et al.** in view of **Young**.

Hidari teaches video data stream being received via a TV broadcasting system [86, FIG. 4] at the user station [16, FIG. 4] and corresponding URLs being broadcasted and received via the Internet [20, FIG. 4] for retrieving particular Web pages from Web sites identified by the URLs at particular times (col. 5, line 47-col. 8, line 44), hence teaches receiving, capturing and storing broadcast data stream via the Internet corresponding to video data stream received via TV broadcast.

Hidari does not specifically teaches - fetching a schedule from a remote schedule source, the broadcast data stream including one or more desired data objects and other data objects, and capturing and storing the one or more desired data objects from the broadcast data stream in accordance with the fetched schedule.



Young teaches fetching a schedule from a remote schedule source, receiving a video data stream received via TV broadcast and selecting programs from the received video data stream in accordance with the fetched schedule (see rejection to claim 16 above).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Young's teachings into Hidari's teachings and use the correspondence between Hidari's video data stream and broadcast data stream to allow desired data objects from Hidari's received broadcast data stream to be captured and stored in accordance with the fetched schedule (the desired data objects being URLs for retrieving the particular Web pages corresponding to programs selected in accordance with the fetched schedule).

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Quang Nguyen whose telephone number is (703) 305-0138, and whose e-mail address is [tanh.nguyen36@uspto.gov](mailto:tanh.nguyen36@uspto.gov). The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7238 for After Final, (703) 746-7239 for Official, (703) 746-7240 for Customer Services, or (703) 746-5672 for Draft to the Examiner.

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Any inquiry of a general nature relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mail responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D. C. 20231

Faxes for formal communications intended for entry should be sent to:

(703) 308-9051,

or, for informal or draft communications, to:

(703) 306-5404 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, Va, Fourth Floor

(Receptionist).



TQN

July 3, 2003